

# EXHIBIT 16

for

For MOTION TO RECONSIDER THE  
ORDER/JUDGMENT UNDER DOCUMENT #300  
DENYING PETITIONER'S DOCUMENT #294:  
"MOTION FOR APPOINTMENT OF SPECIAL  
MASTER FOR PROCEEDINGS AND FINDINGS OF  
FACT OF GROUND VII"; AND DOCUMENT #296:  
"MOTION FOR APPOINTED COUNSEL TO ASSIST  
IN 2255 CASE MOTION AND  
BRIEF/MEMORANDUM OF LAW IN SUPPORT OF  
MOTION BY BRIAN DAVID HILL."

by Brian David Hill

Case no. 1:13-cr-435-1; civil no. 1:22-CV-00074

Ally of Q, Former news reporter of USWGO Alternative News  
JUSTICEFORUSWGO.WORDPRESS.COM



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

**COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,**

**v.**

**BRIAN DAVID HILL,  
DEFENDANT.**

CASE NO: CR19000009-00

**NOTICE OF APPEAL**

Brian David Hill, criminal case Defendant, and Appellant, pro se, hereby appeals to the Court of Appeals of Virginia from the final judgment of this Court by final order entered February 10, 2022, denying Brian Hill's entitled "MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED" construing it as a Petition for Writ of Actual Innocence.

There are no transcripts as there was no hearing over the denial of that motion. Also entitled "defendant's Motion for Judgment of Acquittal".

This appeal is being filed in good faith as it doesn't make sense for a Court to punish a criminal Defendant and have his Federal Supervised Release revoked in 2019 and have Defendant pay legal fees but not give him the Due Process legal

right under the U.S. Constitution and Virginia Constitution to challenge the wrongful conviction based on newly admissible evidence that wasn't admissible in 2019 at the time Defendant had withdrawn his appeal.

Whenever the Defendant had withdrawn his appeal, he never waived his right to prove his innocence or even his right to collaterally attack his criminal conviction based upon new evidence or future evidence or evidence which became admissible at a later time due to a change in Virginia Law. The Court is in the wrong and has deprived Brian David Hill of the Due Process of Law under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 11 of the Virginia Constitution. Due process of law of the Virginia Constitution. This Court has deprived this Defendant of due process of law and neglect of duty. This Defendant has a CONSTITUTIONAL or LEGAL RIGHT to a New Trial by Jury whenever new evidence surfaces showing the innocence of Brian David Hill, Brian is entitled to a NEW TRIAL by JURY. Withdrawing appeal does not take away all rights of Brian David Hill, he said in his Motion to Withdraw Appeal back in 2019 that he did not waive all rights and preserved some rights. That withdraw was supposed to only be technical but be allowed to be challenged upon enough evidence of Actual Innocence. A Court cannot just say they don't have jurisdiction to challenge a wrongful conviction but have the jurisdiction to make a criminal Defendant pay legal fees and have a criminal record used against him. The Due Process Clause requires that they cannot demand money from me or anything without due process of law. That was not due process what the Court had entered today. This Court clearly has jurisdiction for requests for a NEW TRIAL. Defendant has read Virginia case law where new evidence can constitute a valid request for a new trial in a post-conviction motion. This Court has clearly IGNORED THE LAW and ignored the law repetitively. This is not a valid decision when there is clearly new evidence and new evidence which starts on the day which that evidence was made admissible

under new law passed in 2021. I cannot be expected to file evidence when at the time in 2019 that evidence was inadmissible and treated like it is not legally valid. Now that the evidence is admissible and legally valid, it is NEW EVIDENCE and was not available at the time of withdrawing appeal. This Court is in the wrong and has deprived Defendant of due process of law and has exhibited CRUEL AND UNUSUAL PUNISHMENTS INFLICTED against somebody who lives off of SSI federal disability money; and is innocent of his crime. This is uncalled for.

If this Court doesn't have jurisdiction to overturn its own wrongful conviction, then "who the hell does then?" as former Governor Jesse Ventura said in a press conference over a judicial decision. He said: "The Court said that I don't have jurisdiction, well then who the hell does? Who the hell does then?" This Court wrongfully convicts Brian David Hill of Indecent Exposure under § 18.2-387 but refuses to allow the criminal Defendant to challenge that wrongful conviction.

This is unconstitutional and if the Court does not have jurisdiction to allow Defendant to challenge his wrongful conviction; then maybe this Court doesn't have jurisdiction to make Defendant pay any legal fees either because forcing the Defendant to pay legal fees in this case is Unconstitutional and violates the Due Process clause of the Fourteenth Amendment, when the Court refuses to allow the Defendant to even challenge his wrongful conviction. Due Process is not one sided. Either it has the jurisdiction to allow the Defendant to challenge why he should be forced to pay any legal fees for a crime he is innocent of, or the Court shouldn't have jurisdiction to even enforce it since they refuse to give the Defendant to even challenge why he is being punished by this same Court. This is wrong.

Respectfully submitted with the Court, This the 22th day of February, 2022.



Brian D. Hill  
Signed  
Brian D. Hill



Brian D. Hill  
Defendant  
Appellant, pro se  
Former news reporter of U.S.W.G.O. Alternative News  
Ally of Q  
310 Forest Street, Apartment 2  
Martinsville, Virginia 24112  
(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

### **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

The undersigned certifies as follows:

(1) The name and address of the Appellant is:

Brian David Hill – Ally of Q and Attorney Lin Wood

Family/Friend site: JusticeForUSWGO.wordpress.com or JusticeForUSWGO.NL

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(2) Appellant is not represented by counsel at this time.

(3) The names of Appellees is:

Commonwealth of Virginia

City of Martinsville

(4) The name, address, and telephone number of counsel for appellees' is:

G. Andrew Hall

Martinsville Commonwealth's Attorney

55 W. Church Street  
Martinsville, VA 24112  
(276) 403-5470

- (5) A copy of this Notice of Appeal has been transmitted by fax/facsimile and transmitted by Roberta Hill (electronic filing representative) via email to the Martinsville Circuit Court Clerk's Office, to opposing counsel, and electronically filed by Roberta Hill (electronic filing representative) through the Court's VACES system to the Clerk of the Court of Appeals of Virginia, all on February 22, 2022. Like on the day of 1776, the new cycle of Pluto. The day of independence and freedom.

The following parties with fax numbers and email addresses of the parties are listed herein:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on

Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

Brian D. Hill  
*Signed*

Brian D. Hill

Brian D. Hill

Defendant

Appellant, pro se

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

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**U.S.W.G.O.**



Where We Go One, We Go All

Freedom, Independence, the need for liberty and the rule of law.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA

v.


ORDER

Case No. CR19000009-00


BRIAN DAVID HILL

UPON CONSIDERATION of the defendant's Motion for Judgment of Acquittal, which the Court treats as a Petition for Writ of Actual Innocence, it is ORDERED that said petition is hereby DENIED on the ground that the petition should have been filed in the Court of Appeals, and that this court, accordingly, lacks jurisdiction.

ENTER: This 10<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
Judge

Endorsement is dispensed with – Rule 1:13

A Cop.   
Teste Ashley P. Pritchett, Clerk  
By. \_\_\_\_\_ Deputy Clerk

WENTY-FIRST  
JICIAL CIRCUIT  
OF VIRGINIA